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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,571	07/07/2000	Tetsuyuki Morimoto	OOCL-26 (2000P031945)	6599

26479 7590 02/11/2003

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HAZLET, NJ 07730

EXAMINER

RUDY, ANDREW J

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 02/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/611,571

Applicant(s)

MORIMOTO, TETSUYUKI

Examiner

Andrew Joseph Rudy

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-10 and 16-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-10 and 16-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application):
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1, 3-10 and 13-24 are pending. Claims 2, 11 and 12 were cancelled by Applicant's 11 November 2001 Amendment.

Response to Amendment

Claim Rejections - 35 USC § 102

2. Claims 1, 2, 6-15 and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Hammel.

Applicant's REMARKS have been reviewed, but are not convincing. Regarding Hammel, the "relatively obsolete electro-mechanical cash register system" (Applicant, page 9, last paragraph) is considered in broad scope and content a point of sale (POS) system. Maintenance programs would only be provided at the host system of Hammel. Applicant's claim language, e.g. "maintenance programs" or "execution programs" and others, do not provide a line of demarcation over the Hammel system, as archaic as it may be. It is noted that the term "application programs" argued by Applicant does not appear in the claims. As is, it is not clear what is being referenced in relationship to the claims from the REMARKS. Also, regarding claims 21-23, Hammel discloses a display and printer operation, e.g. col. 18, line 18, thru col. 19, lines 25+. The "cyclic" aspect of Hammel does not preclude it from reading upon Applicant's claim language.

3. Claims 1, 2, 6-15 and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Perrill.

Applicant's REMARKS have been reviewed, but are not convincing. Regarding Perrill, the host computer is deemed to solely contain a maintenance program within the broad scope and content of Applicant's claim language. The phrase "maintenance program" does not provide any specific meaning that provides a line of demarcation over Perrill. The fact that wireless terminals and separate cash drawers may be present in Perrill does not preclude Perrill from reading upon Applicant's claim language. It is noted that the term "application programs" argued from pages 11, 13 of the REMARKS by Applicant does not appear in the claims. As is, it is not clear what is being referenced in relationship to the claims from the REMARKS. Also, regarding claims 21-23, Perrill discloses a display and printer operation.

4. Claims 1, 2, 6-15 and 16-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Terranova, US 2002/0126632.

Terranova discloses a host 18 for storing all programs and authorizing transactions, e.g. col. 6, [0057], and a plurality of POS terminals 14 having a display and printer 126. The host is connected to databases, e.g. 20 comprising banking and credit systems and may include voice input, e.g. 150, via communication lines.

Claim Rejections - 35 USC § 103

5. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perrill.

Applicant's REMARKS have been reviewed, but are not convincing. Regarding Perrill, though inherent drawbacks may exist, it does not preclude its use, nor of one of ordinary skill in the art pursuing its use, to receive the output desired.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 24, line 11, "each of the shop-side POS terminal unit" is not clear what is being referenced. Is it singular or plural?

Claim 24, lines 11-13, "the bank-related system, the credit-related system, and the maintenance center" are not clear. Applicant has recited intended use "for use in" from claim 24,

line 1. Applicant's now positively attempt to incorporate these claim limitations into the body of the claim. As is, the preamble is deemed to control and Applicant has but intended use limitations. Thus, the latter positively recited limitations are not clear in juxtaposition to the intended use recited.

7. Claims 3-10 and 13-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallner, US 5,696,909.

Wallner discloses a POS system comprising terminal units 102a, 102b, 102c and a host unit 100 comprising execution programs and maintenance system for receipt/transfer of data therebetween. Voice prompts via circuit 230 are part of Wallner's disclosure. As understood, no terminal unit comprises any POS system execution program in Wallner. Nonetheless, to provide a transmission data generating function and a communication function for data exchange in a "dumb" terminal for Wallner would have been obvious to one of ordinary skill in the art. Doing such would use well known and inherent functions used in POS systems. To provide a bank-related and credit related system for Wallner would have been obvious to one of ordinary skill in the art. Doing such would be an obvious variant of data transmission data depending upon the nature of data requested by the POS system.

Claim Rejections - 35 USC § 102

7. Claims 1, 2, 6-15 and 16-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Terranova, US 2002/0126632.

Terranova discloses a host 18 for storing all programs and authorizing transactions, e.g. col. 6, [0057], and a plurality of POS terminals 14 having a display and printer 126. The host is connected to databases, e.g. 20 comprising banking and credit systems and may include voice input, e.g. 150, via communication lines.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 24, line 11, "each of the shop-side POS terminal unit" is not clear what is being referenced. Is it singular or plural?

Claim 24, lines 11-13, "the bank-related system, the credit-related system, and the maintenance center" are not clear. Applicant has recited intended use "for use in" from claim 24,

line 1. Applicant's now positively attempt to incorporate these claim limitations into the body of the claim. As is, the preamble is deemed to control and Applicant has but intended use limitations. Thus, the latter positively recited limitations are not clear in juxtaposition to the intended use recited.

9. Further pertinent references of interest:

 Semple, US 6,408,307, discloses terminal units and a host used to retrieve data.

 Stoutenburg et al., US 2002/0156683, discloses POS terminal units and a host used to retrieve data.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

 A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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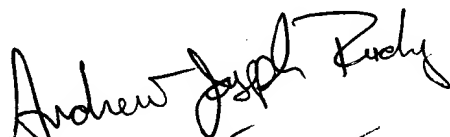

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 703-308-7808. The examiner can normally be reached on Tuesday thru Friday, 7:30 a.m until 6 p.m..

If attempts to reach the examiner by telephone are unsuccessful, Mr. Richard Chilcot, can be reached on 703-305-4716. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

January 28, 2003



Richard Chilcot
Supervisory Patent Examiner
Technology Center 2850
3600